

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2008-0663-AIR-E TCEQ ID: RN100233998 CASE NO.: 35764**  
**RESPONDENT NAME: Air Liquide Large Industries U.S. LP**

Page 1 of 2

|  |  |   |
|--|--|---|
| <b>ORDER TYPE:</b>   |  |   |
| <input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>   | <input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>              | <input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING<br/>SOAH HEARING</b>       |
| <input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>   | <input type="checkbox"/> <b>SHUTDOWN ORDER</b>                     | <input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL<br/>ENDANGERMENT ORDER</b> |
| <input type="checkbox"/> <b>AMENDED ORDER</b>  | <input type="checkbox"/> <b>EMERGENCY ORDER</b>                    |   |
| <b>CASE TYPE:</b>  |  |   |
| <input checked="" type="checkbox"/> <b>AIR</b>   | <input type="checkbox"/> <b>MULTI-MEDIA (check all that apply)</b> | <input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS<br/>WASTE</b>              |
| <input type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>  | <input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>            | <input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>                      |
| <input type="checkbox"/> <b>WATER QUALITY</b>  | <input type="checkbox"/> <b>SEWAGE SLUDGE</b>                      | <input type="checkbox"/> <b>UNDERGROUND INJECTION<br/>CONTROL</b>               |
| <input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>  | <input type="checkbox"/> <b>RADIOACTIVE WASTE</b>                  | <input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>                        |
| <p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Air Liquide Large Industries U.S. LP, 11400 Bay Area Boulevard, Pasadena, Harris County</p> <p><b>TYPE OF OPERATION:</b> Chemical manufacturing plant</p> <p><b>SMALL BUSINESS:</b>    <input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 25, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b><br/>    <b>TCEQ Attorney/SEP Coordinator:</b> None<br/>    <b>TCEQ Enforcement Coordinator:</b> Ms. Rebecca Johnson, Enforcement Division, Enforcement Team 5, R-12, (713) 422-8931; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171<br/>    <b>Respondent:</b> Mr. Aswath Kalappa, Environmental Specialist, Air Liquide Large Industries U.S. LP, 11400 Bay Area Boulevard, Pasadena, Texas 77507<br/>    Mr. Scott A. Swafford, Zone Production Manager, Air Liquide Large Industries U.S. LP, 11400 Bay Area Boulevard, Pasadena, Texas 77507<br/>    <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p> |  |   |

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED  |
|---|---|--|
| <p><b>Type of Investigation:</b><br/> <input type="checkbox"/> Complaint<br/> <input type="checkbox"/> Routine<br/> <input type="checkbox"/> Enforcement Follow-up<br/> <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> February 21, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 8, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>AIR</b></p> <p>Failure to prevent unauthorized emissions. Specifically, during a January 5, 2008 emissions event (Incident No. 102066) 381 pounds of unauthorized nitrogen oxides emissions were released from the Steam Methane Reformer ("SMR") over a period of 19 hours. Since the emissions event was avoidable, the demonstrations in 30 TEX. ADMIN. CODE § 101.222 necessary to present an affirmative defense were not met [Air Permit No. 73110, Special Condition No. 1, 30 TEX. ADMIN. CODE § 116.115(c), and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p> | <p><b>Total Assessed:</b> \$3,950</p> <p><b>Total Deferred:</b> \$790<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,160</p> <p><b>Site Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent revised the start-up operating procedures for the SMR on January 7, 2008 to prevent the recurrence of emissions events caused by steam loss to the SMR.</p> |

Additional ID No(s): AIR HG0071Q



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 8, 2008

TCEQ

|              |                 |             |                  |             |                |            |
|--------------|-----------------|-------------|------------------|-------------|----------------|------------|
| <b>DATES</b> | <b>Assigned</b> | 14-Apr-2008 | <b>Screening</b> | 21-Apr-2008 | <b>EPA Due</b> | 3-Jan-2009 |
|              | <b>PCW</b>      | 21-Apr-2008 |                  |             |                |            |

## RESPONDENT/FACILITY INFORMATION

|                             |                                      |                           |       |
|-----------------------------|--------------------------------------|---------------------------|-------|
| <b>Respondent</b>           | Air Liquide Large Industries U.S. LP |                           |       |
| <b>Reg. Ent. Ref. No.</b>   | RN100233998                          |                           |       |
| <b>Facility/Site Region</b> | 12-Houston                           | <b>Major/Minor Source</b> | Major |

## CASE INFORMATION

|  |                 |                          |                    |
|--|-----------------|--------------------------|--------------------|
| <b>Enf./Case ID No.</b>                | 35764           | <b>No. of Violations</b> | 1                  |
| <b>Docket No.</b>                      | 2008-0663-AIR-E | <b>Order Type</b>        | 1660               |
| <b>Media Program(s)</b>                | Air             | <b>Enf. Coordinator</b>  | Rebecca Johnson    |
| <b>Multi-Media</b>                     |                 | <b>EC's Team</b>         | Enforcement Team 5 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>           | \$10,000           |

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,500**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **83% Enhancement** **Subtotals 2, 3, & 7** **\$2,075**

Notes

Penalty enhancement due to one NOV issued for same or similar violations, four NOVs issued for unrelated violations, five effluent discharge violations, and three agreed orders with a denial of liability.

Culpability

No

0% Enhancement

**Subtotal 4** **\$0**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

25% Reduction

**Subtotal 5** **\$625**

Before NOV NOV to EDP RP/Settlement Offer

Extraordinary

Ordinary

N/A

X

(mark with x)

Notes

The Respondent completed corrective actions on January 7, 2008.

0% Enhancement\*

**Subtotal 6** **\$0**

Total EB Amounts  
Approx. Cost of Compliance

\$0

\$500

\*Capped at the Total EB \$ Amount

## SUM OF SUBTOTALS 1-7

**Final Subtotal** **\$3,950**

## OTHER FACTORS AS JUSTICE MAY REQUIRE

0%

**Adjustment** **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** **\$3,950**

## STATUTORY LIMIT ADJUSTMENT

**Final Assessed Penalty** **\$3,950**

## DEFERRAL

20%

Reduction

**Adjustment** **-\$790**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

## PAYABLE PENALTY

**\$3,160**



| <b>Screening Date</b> 21-Apr-2008                               |  | <b>Docket No.</b> 2008-0663-AIR-E  |   | <b>PCW</b>                                      |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|---|--|--|---|---|--|---------------|-------|----------|-------|----------------|-------|----------------------|----------------------|----------------------|----------------------|--|----------------------|---|---|-----------|----------------------|----------------------|----------------------|
| <b>Respondent</b> Air Liquide Large Industries U.S. LP          |  | <small>Policy Revision 2 (September 2002)</small>  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Case ID No.</b> 35764  |  | <small>PCW Revision March 8, 2008</small>  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Reg. Ent. Reference No.</b> RN100233998                      |  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Media [Statute]</b> Air                                      |  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Enf. Coordinator</b> Rebecca Johnson                         |  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Violation Number</b>   |  | <input type="text" value="1"/>   |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Rule Cite(s)</b>   |  | Air Permit No. 73110, Special Condition No. 1, 30 Tex. Admin. Code § 116.115(c), and Tex. Health & Safety Code § 382.085(b)  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Violation Description</b>                                    |  | <p>Failed to prevent unauthorized emissions. Specifically, during a January 5, 2008 emissions event (Incident No. 102066) 381 pounds of unauthorized nitrogen oxides emissions were released from the Steam Methane Reformer ("SMR") over a period of 19 hours. Since the emissions event was avoidable, the demonstrations in 30 Tex. Admin. Code § 101.222 necessary to present an affirmative defense were not met.</p> |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Base Penalty</b>   |  |  |   | <input type="text" value="\$10,000"/>           |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>&gt;&gt; Environmental, Property and Human Health Matrix</b> |  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| OR  | <table border="1" style="margin: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td><b>Release</b></td> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input checked="" type="text" value="x"/></td> <td rowspan="2" style="vertical-align: middle;"> <b>Percent</b> <input type="text" value="25%"/> </td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table> |  |   |   |  | Harm          |       |          |       | <b>Release</b> | Major | Moderate             | Minor                |                      | Actual               | <input type="text"/>                           | <input type="text"/> | <input checked="" type="text" value="x"/> | <b>Percent</b> <input type="text" value="25%"/> | Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> |
|   |  | Harm   |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | <b>Release</b>   | Major  | Moderate  | Minor   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| Actual  | <input type="text"/>   | <input type="text"/>   | <input checked="" type="text" value="x"/>   | <b>Percent</b> <input type="text" value="25%"/> |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| Potential   | <input type="text"/>   | <input type="text"/>   | <input type="text"/>  |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>&gt;&gt; Programmatic Matrix</b>                             |  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | <table border="1" style="margin: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="vertical-align: middle;"> <b>Percent</b> <input type="text" value="0%"/> </td> </tr> </table>   |  |   |   |  | Falsification | Major | Moderate | Minor |                |       | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <b>Percent</b> <input type="text" value="0%"/> |                      |   |   |           |                      |                      |                      |
|   | Falsification  | Major  | Moderate  | Minor   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | <input type="text"/>   | <input type="text"/>   | <input type="text"/>  | <input type="text"/>                            | <b>Percent</b> <input type="text" value="0%"/> |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Matrix Notes</b>   | <div style="border: 1px solid black; padding: 5px;"> Human health and the environment have been exposed to an insignificant amount of pollutants that did not exceed levels protective of human health and environmental receptors as a result of the violation. </div>  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Adjustment</b>   |  |  |   | <input type="text" value="\$7,500"/>            |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   |  |  |   | <input type="text" value="\$2,500"/>            |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Violation Events</b>   |  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Number of Violation Events</b>                               |  | <input type="text" value="1"/>   | <b>Number of violation days</b>   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <small>mark only one with an x</small>                          | daily  | <input type="text"/>   | <b>Violation Base Penalty</b> <input type="text" value="\$2,500"/>                                      |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | monthly  | <input type="text"/>   |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | quarterly  | <input checked="" type="text" value="x"/>  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | semiannual   | <input type="text"/>   |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | annual   | <input type="text"/>   |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   | single event   | <input type="text"/>   |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| One quarterly event is recommended.                             |  |  |   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Economic Benefit (EB) for this violation</b>                 |  |  | <b>Statutory Limit Test</b>   |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
| <b>Estimated EB Amount</b>                                      |  | <input type="text" value="\$0"/>   | <b>Violation Final Penalty Total</b> <input type="text" value="\$3,950"/>                               |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |
|   |  |  | <b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$3,950"/> |   |  |               |       |          |       |                |       |                      |                      |                      |                      |  |                      |   |   |           |                      |                      |                      |

**Economic Benefit Worksheet**

Respondent: Air Liquide Large Industries U.S. LP

Case ID No. 35764

Reg. Ent. Reference No. RN100233998

Media: Air

Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0              | 15                    |

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
| No commas or \$  |           |               |            |     |                |               |           |

**Delayed Costs**

|                          |       |            |            |     |     |     |     |
|--------------------------|-------|------------|------------|-----|-----|-----|-----|
| Equipment                |       |            |            | 0.0 | \$0 | \$0 | \$0 |
| Buildings                |       |            |            | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)        |       |            |            | 0.0 | \$0 | \$0 | \$0 |
| Engineering/construction |       |            |            | 0.0 | \$0 | \$0 | \$0 |
| Land                     |       |            |            | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System    |       |            |            | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling        |       |            |            | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal     |       |            |            | 0.0 | \$0 | n/a | \$0 |
| Permit Costs             |       |            |            | 0.0 | \$0 | n/a | \$0 |
| Other (as needed)        | \$500 | 5-Jan-2008 | 7-Jan-2008 | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to revise the start-up operating procedures for the SMR to prevent the recurrence of emissions events caused by steam loss to the SMR. Date required is the date of the emissions event. Final date is the date the corrective measures were completed.

**Avoided Costs**

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

|                               |  |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$0

# Compliance History

Customer/Respondent/Owner-Operator: CN600300693 Air Liquide Large Industries U.S. LP Classification: AVERAGE Rating: 3.05  
 Regulated Entity: RN100233998 AIR LIQUIDE LARGE INDUSTRIES US Classification: AVERAGE Site Rating: 5.47

ID Number(s):  
 AIR OPERATING PERMITS ACCOUNT NUMBER HG0071Q  
 AIR OPERATING PERMITS PERMIT 1735  
 INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD096026612  
 GENERATION  
 INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 31779  
 GENERATION (SWR)  
 WASTEWATER PERMIT TX0102296000  
 WASTEWATER PERMIT WQ0004330000  
 WASTEWATER PERMIT TX0102296  
 AIR NEW SOURCE PERMITS PERMIT 4961  
 AIR NEW SOURCE PERMITS PERMIT 9346  
 AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0071Q  
 AIR NEW SOURCE PERMITS REGISTRATION 37485  
 AIR NEW SOURCE PERMITS REGISTRATION 53106  
 AIR NEW SOURCE PERMITS REGISTRATION 55810  
 AIR NEW SOURCE PERMITS REGISTRATION 33713  
 AIR NEW SOURCE PERMITS REGISTRATION 11018  
 AIR NEW SOURCE PERMITS PERMIT 56212  
 AIR NEW SOURCE PERMITS REGISTRATION 70423  
 AIR NEW SOURCE PERMITS AFS NUM 4820100073  
 AIR NEW SOURCE PERMITS PERMIT 73110  
 AIR NEW SOURCE PERMITS REGISTRATION 75225  
 PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1011467  
 WATER LICENSING LICENSE 1011467

Location: 11400 BAY AREA BLVD, PASADENA, TX, 77507 Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: April 14, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 14, 2003 to April 14, 2008

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Rebecca Johnson Phone: (713) 422-8931

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? Air Liquide Large Industries U.S. LP
4. If Yes, who was/were the prior owner(s)? Air Liquide America L.P.
5. When did the change(s) in ownership occur? 1/1/2005

## Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 06/13/2004

ADMINORDER 2003-0908-PST-E

Classification: Moderate

Citation: 30 TAC Chapter 37, SubChapter I 37.815(a)  
 30 TAC Chapter 37, SubChapter I 37.815(b)

Description: Failure to demonstrate FA beginning 8/9/02

**Effective Date: 03/23/2006**

**ADMINORDER 2005-1475-IWD-E**

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EFFLUENT LIMITS PERMIT

Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

**Effective Date: 05/25/2007**

**ADMINORDER 2006-1908-AIR-E**

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: Permit No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter F 116.615(2)  
30 TAC Chapter 116, SubChapter F 116.617

5C THC Chapter 382, SubChapter D 382.085(b)

Rqmt Prov: No. 75225 PERMIT

Description: Failed to prevent unauthorized emissions.





















#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Air Liquide Large Industries U.S. LP, Docket No. 2008-0663-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission





